

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101
Prepared by: Todd Vargo, Planner I

SUBJECT: Resolution
Quit Claim Deed/Florida Realty Revocable Trust/Town of Davie/
Generally located on the northeast corner of SW 20 Street and SW 142 Avenue.

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO EXECUTE A QUIT CLAIM DEED FOR 15' OF RIGHT-OF-WAY TO FLORIDA REALTY REVOCABLE TRUST; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: On August 21, 2002, the Town of Davie approved Ordinance No. 2002-25, which vacated a 25' wide portion of right-of-way known as SW 142 Avenue. A request has been submitted for the Town to relinquish any rights it might have in an additional 15 feet of right-of-way along SW 142 Avenue by executing the Quit-Claim Deed in attachment "A." The 15 feet of right-of-way was not originally vacated because there are different interpretations as to the location of the tract line. These different interpretations have been settled by the Broward County Courts. The property referenced in the Quit-Claim Deed shows a total of 40 feet of right-of-way, leaving 15 feet of right-of-way still belonging to the Town.

The requested Quit-Claim Deed will not have any adverse affect on neighboring properties, nor will it create a conflict with the public interest.

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the item complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Resolution, Justification Letter, Legal Description and Sketch, Quit-Claim Deed, Future Land Use map, Zoning and Aerial map

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO EXECUTE A QUIT CLAIM DEED FOR 15' OF RIGHT-OF-WAY TO FLORIDA REALTY REVOCABLE TRUST; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie approved Ordinance No. 2002-25, which vacated a 25' wide portion of SW 142 Avenue on August 21, 2002; and

WHEREAS, the Town of Davie has been informed that there are different interpretations as to the location of the tract line for properties located adjacent to SW 142 Avenue; and

WHEREAS, a Quit-Claim Deed has been submitted to the Town requesting the relinquishment of any rights for a parcel of land located adjacent to SW 142 Avenue; and

WHEREAS, the Town of Davie wishes to relinquish any rights it might have in the additional fifteen feet by executing a Quit Claim Deed naming Florida Realty Revocable Trust as the Grantee.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby authorize the Mayor and Town Administrator to execute a Quit Claim Deed, a copy of which is attached hereto as Exhibit "A".

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2003.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

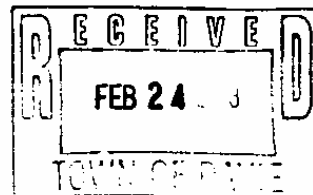
APPROVED THIS ____ DAY OF _____, 2003.



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February 24, 2003

Tom Willi
Town Administrator
Town of Davie
6591 Orange Drive
Davie, FL 33314

Re: S. W. 142nd Avenue

Dear Tom:

As per our conversation, enclosed is a Quit Claim Deed with an Exhibit 'A' for Town Council approval. As you recall, the Town vacated a 25 foot right-of-way lying east of the west line of the N. E. ¼ of Sec. 15 Twp. 50 S. Rge. 40 E. Florida Fruit Lands Company's Sub-division No. 1. Because of a 15 foot right-of-way that was determined by the Broward County Courts, and was not delineated as right-of-way on the plat, there are different interpretations as to the location of the tract line (this is shown on the attached sketch). Because of the different interpretations, the property referenced in the Quit Claim Deed shows 40 feet of right-of-way and we only vacated 25 feet. Therefore, we are now requesting that the Town relinquish any rights it might have in the additional 15 feet by executing the attached Quit Claim Deed.

Thank you for your cooperation and consideration. If there are any questions by you or any council members please give me a call.

Sincerely,

Robert P. Legg P.S.M.
Senior Vice President

RPL/rmm/kl

Enclosure (s)

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11-1B-590

1800 N. DOUGLAS ROAD, SUITE 200
POMEREOE PHOS, FLORIDA 33024
(854)436-7000 FAX: (854)437-2808
CERT. OF AUTHORIZATION L.R. 8840

DATE	REVISIONS		SCALE	DATE
DRAWN BY:	MR	CHECKED BY:	MR	

1997-1998

This instrument prepared by
record and return to:
NEAL R. KALIS, ESQ.
KALIS & KLEIMAN, P.A.
7320 Griffin Road, Suite 109
Davie, Florida 33314
(954) 791-0477

Quit-Claim Deed

This Quit-Claim Deed, executed this ____ day of _____, 2003, by **the Town of Davie**,
a municipal corporation, as Grantor, to **Florida Realty Revocable Trust**, as Grantee, whose post office address is 757
SE 17th Street, #355, Ft. Lauderdale, Florida 33316.

Witnesseth: That the said Grantor, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars
in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, do hereby remise, release and quit-claim
unto the said Grantee forever, all the right, title, interest, claim and demand which the said Grantor have in and to the
following described lot, piece or parcel of land, situate, lying, and being in the County of Broward, State of Florida to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

The Preparer of this instrument has not performed any title services in connection with the preparation of this instrument,
nor have the Grantors requested the Preparer to perform an Opinion of Title. The Preparer has not given an opinion as to
the current fee simple ownership, effect of this instrument on other interests in the subject property or the adequacy of the
legal description. The preparer has relied solely on information provided by the Grantor in the preparation of this instrument.

To Have and to Hold the same together with all and singular the appurtenances thereunto belong
or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantor,
either in law or equity, to the only proper use, benefit and behoof of the said Grantee forever.

*"Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, Grantor hereunto set Grantor's hand and seal the day and year first above
written.

Signed, sealed and delivered in presence of:

TOWN OF DAVIE

Print Name: _____

By: _____
Printed Name: _____
Title: _____
Address: _____

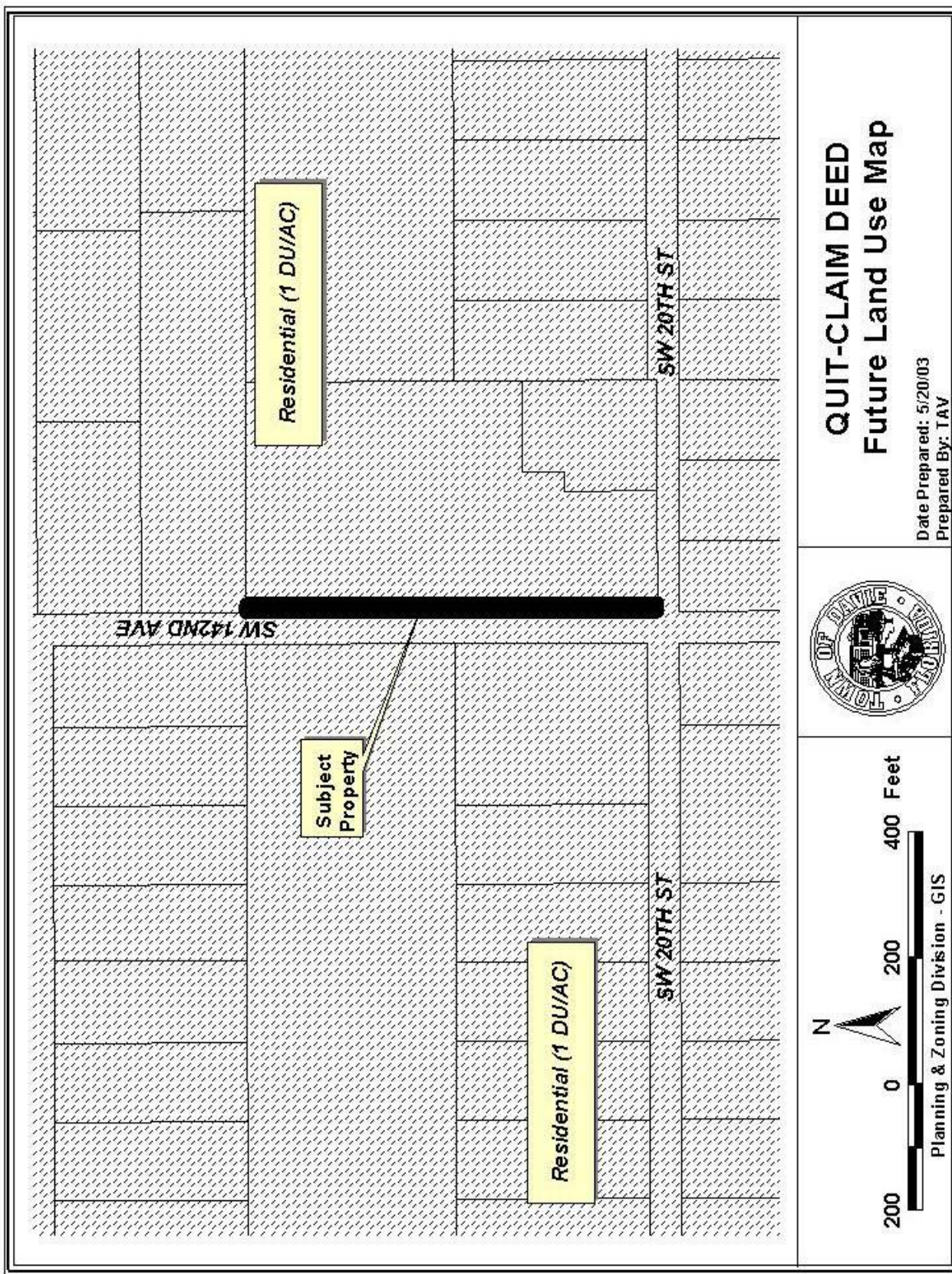
Print Name: _____

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this ____ day of _____, 2003, by
_____, the _____ of the Town of Davie who is personally known to me
or who has produced _____ as identification.

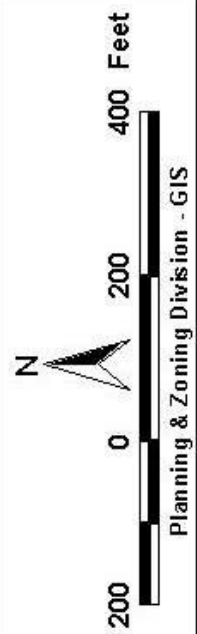
My Commission Expires:

NOTARY PUBLIC
Print Name: _____



QUIT-CLAIM DEED Future Land Use Map

Date Prepared: 5/20/03
Prepared By: TAV





Date Flown:
12/31/00



0 200 400 600 Feet

Planning & Zoning Division - GIS



QUIT-CLAIM DEED **Zoning and Aerial Map**

Date Prepared: 5/20/03
Prepared By: TAV